

PATENT APPLICATION

**FILING UNDER 37 CFR §1.312
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1634**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ATTN: OFFICE OF PUBLICATIONS

Francois MALLET et al.

Notice of Allowance Mailed
06/04/2004 - Batch/Confirmation No. 1475

Application No.: 09/680,946

Group Art Unit: 1634

Filed: October 6, 2000

Examiner: J. Fredman

Docket No.: 028662.96

For: RNA AMPLIFICATION METHOD REQUIRING ONLY ONE MANIPULATION
STEP

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

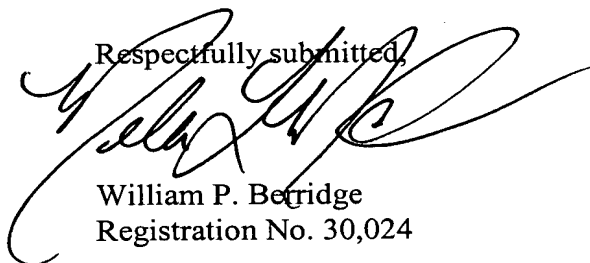
Sir:

Included with the Notice of Allowance mailed June 4, 2004, is a Statement of Reasons for Allowance. This Statement indicates that "[t]he claimed invention is allowable because the prior art of Sellner does not teach or suggest the added step of synthesizing the cDNA at 45 to 75 degrees Celsius." As amended, claim 1 recites "bringing the solution obtained in c) to a predetermined temperature from 45° to 75° C and maintaining said temperature for sufficient time whereby a first cDNA strand is synthesized . . ." In addition, claim 22 recites "permitting the first primer to hybridize with the RNA in said solution, followed by synthesis, at a temperature from 45° to 75° C, of a first cDNA strand . . ." Applicants agree with the Examiner that Sellner, alone or view of Shimomaye, fails to teach or suggest these features of

claims 1 and 22, respectively. However, independent claim 37, which was never rejected over Sellner, alone or in view of Shimomaye, does not recite synthesizing the cDNA at 45° to 75° C. Thus, the reasons for allowance set forth in the Statement of Reasons for Allowance do not apply to claim 37 or claims 38-48, which depend on claim 37. However, Sellner and Shimomaye fail to teach or suggest the invention of claims 37-48 for at least the reasons set forth in the Amendment filed January 13, 2004. In particular, neither Sellner nor Shimomaye teach or suggest "heat treating said solution at a temperature of from 60° to 75° C, for a time sufficient to permit denaturation of secondary structures without completely inactivating the reverse transcriptase and DNA polymerase activities of said enzyme system," as recited in claim 37.

Should the Examiner have any questions or comments, he is invited to contact Applicants' representative at the telephone number set forth below.

Respectfully submitted,



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Date: September 3, 2004

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